

REMARKS

Status Summary

Claims 1 and 3-10 are pending in the present application. Claims 1-10 stand rejected. Claim 2 has been canceled. Claims 1, 4, and 5 have been amended. Support for the amendments can be found throughout the specification, for example, on pages 5 and 6 of the present application and in originally filed claim 8. Reconsideration of the application as amended and based on the arguments set forth hereinbelow is respectfully requested.

Specification

The Examiner has stated that the disclosure is objected to because of the informality of including reference to claim 1 in the Summary section of the specification. Applicants have amended the specification above to address the Examiner's concerns. No new matter has been introduced by the present amendment.

Claim Rejection - 35 U.S.C. § 112

Claims 1-10 stand rejected under 35 U.S.C. § 112, first paragraph, for failing to comply with the enablement requirement because the language of claim 1 reciting "knife pivoting about the rotational axis of the driving wheels" was allegedly not consistent with the specification and/or drawings.

Applicants respectfully disagree with the Examiner's position that the member 25 cannot pivot about the axis 15 as shown and described in the present application

and that supporting plates **19** cannot pivot about the rotational axis of the driving wheels. As supporting plate **19** and rotational axis **15** are moved, pins **23** of supporting plate **19** that are the same angular distance from axis **15** move within oblong holes **24** that are segments of a circle concentric with axis **15**. As pins **23** move within oblong holes **24**, supporting plate **19** from which pins **23** extend rotates about axis **15** since oblong holes **24** and pins **23** are so positioned about axis **15**. Since separating knife **25** is attached to supporting plate **19** through mounting plate **27**, the separating knife **25** would rotate as supporting plate **19** rotates. Therefore, the specification and drawings did enable previous claim 1. However, to further clarify, claim 1 has been amended to more closely reflect the description recited on the specification. Thus, the applicants respectfully submit that the rejections of claims 1-10 under 35 U.S.C. § 112, first paragraph, for failing to comply with the enablement requirement have been overcome and should be withdrawn.

Claims 4, 5, and 8 stand rejected under 35 U.S.C. § 112, second paragraph, for failing to particularly point out and distinctly claim the subject matter which the applicants regard as the invention. Claims 4 and 5 have been amended to relate the support elements recited within the claim back to the at least one support element recited in claim 1. With the amendment to claim 1, applicants respectfully submit that “the supporting plates” recited in claim 8 has antecedent basis. Accordingly, applicants respectfully submit that the rejections of claims 4, 5, and 8 under 35 U.S.C. § 112, second paragraph, should be withdrawn.

Claim Rejection - 35 U.S.C. § 102

Claims 1-10 stand rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,098,165 to Jacobs, et al., hereinafter referred to as "Jacobs". This rejection is respectfully traversed.

Claim 1 recites an apparatus for removing coverings laid on even surfaces that includes a support frame for mounting driving wheels about a rotational axis and for accommodating a motor and a gear for driving the driving wheels in a working direction. Claim 1 also recites at least one support element arranged behind the driving wheels in the working direction. Additionally, claim 1 recites a motor-driven separating knife. Claim 1 as amended recites that for the movement of the apparatus opposite to the working direction the driving wheels are arranged for lifting off by tilting the support frame onto the at least one support element. Claim 1 as amended further recites supporting plates each being provided in the area of a respective driving wheel and being relatively movable to the support frame. The motor-driven separating knife is fixed on the supporting plates and each supporting plate comprises at least two pins arranged at the same distance toward the center of the axis of the driving wheels and engaging oblong holes formed in the support frame and having the shape of the segment of a circle for limiting the relative movement between the support frame and the supporting plates. Applicants respectfully submit that Jacobs fails to disclose each and every feature recited by Claim 1.

Jacobs merely discloses a roofing material removal device having a support frame **11** and a support element. The frame **11** has handles **12** and a plurality of powered support wheels **13**. (See, Jacobs, col. 6, ll. 21-22.) The roofing material removal device is used in connection with a guide system that includes a track, a vertical support post assembly and a carrier which traverses the length of the track. The roofing material device includes rearwardly extending dolly wheels **37** that facilitate movement of the device when it is not removing roofing material from the roof deck **R**. (See, Jacobs, col. 7, ll. 8-11.) The operator uses support wheels **13** to move the frame **11** and the associated roofing material removal device along the track **34** in the device's working position. (See, Jacobs, col. 7, ll. 17-18.) It appears that, in order to operate the two respective sets of wheels in the device of Jacobs, the wheels **13**, **37** have to be manually brought into individual positions, respectively, for providing the different working conditions of the device. Jacobs does not disclose supporting plates being relatively movable to the support frame for providing a moving backwards position of the apparatus by simply tilting the support frame onto the support element in a backwards direction. Further, Jacobs does not disclose at least two pins arranged at the same distance toward the center of the axis of the driving wheels and engaging into oblong holes formed in the support frame and having the shape of the segment of a circle for limiting the relative movement between the support frame and the supporting plates.

The apparatus recited in claim 1 of the present application provides supporting plates that are relatively movable to the support frame within a predetermined range

by comprising pins that engage the respective oblong holes in the support frame. This arrangement limits the relative movement between the support frame and the supporting plates when tilting the support frame onto the at least one support element. At the same time, this arrangement still permits such relative movement between the support frame and supporting plates. Such an apparatus allows the tilting of the support frame in a backwards direction so that the driving wheels are lifted off the even surface. During this process, the pins run against an end of the respective oblong holes such that the driving wheels and the separating knife that is fixed on the supporting plates are suspended by the support frame. In this suspended position, a relative movement between the support frame and the supporting plates is not possible so that the apparatus may be pulled backwards to the new place of operation in a comfortable manner while the driving wheels do not touch the ground. Such an arrangement is not disclosed in Jacobs.

The engagement of the pins of the supporting plates into the oblong holes in the support frame as recited in claim 1 provide a restricted relative movement between the support frame and the supporting plates such that a predetermined tilting of the support frame lifts up the driving wheels as well as the separating knife that is fixed on the supporting plates. Such an apparatus as recited in claim 1 operates by simply tilting the support frame in a backwards direction so that the driving wheels and the separating knife are lifted off the ground for a convenient movement of the apparatus in the backwards direction. No additional displacement

of further wheels or other components is needed. Such an arrangement as recited in claim 1 is not disclosed, taught or suggested by Jacobs.

For the reasons set forth above, Jacobs fails to disclose each and every feature recited by Claim 1. Accordingly, applicants respectfully submit that the rejection of Claim 1 under 35 U.S.C. § 102(b) should be withdrawn and the claim allowed at this time.

Claims 3-10 depend upon Claim 1. Therefore, Claims 3-10 include the features recited by Claim 1. Accordingly, for the reasons provided for Claim 1, applicants respectfully submit that the rejection of Claims 3-10 under 35 U.S.C. § 102(b) should be withdrawn and the claims allowed at this time.

#### CONCLUSION

In light of the above amendments and remarks, it is respectfully submitted that the present application is now in proper condition for allowance, and an early notice to such effect is earnestly solicited.

If any small matter should remain outstanding after the Patent Examiner has had an opportunity to review the above Remarks, the Patent Examiner is respectfully requested to telephone the undersigned patent attorney in order to resolve these matters and avoid the issuance of another Official Action.

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DEPOSIT ACCOUNT

The Commissioner is hereby authorized to charge any fees associated with the filing of this correspondence to Deposit Account No. 50-0426.

Respectfully submitted,

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Date: July 16, 2007

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IN THE DRAWINGS:

The attached replacement sheet of drawings include changes to Figure 3. The sheet including Figures 3 and 4 replaces the original sheet including Figures 3 and 4. In Figure 3, the arrow **D** has been added as described in the originally filed specification. Support for the addition of arrow **D** in Figure 3 can be found in the paragraph on page 6, beginning at line 17. Applicants respectfully submit that no new matter is introduced into the application by way of the replacement sheet of drawings.